

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. James E. Smith Jr.

Docket No. 5:09-MJ-1694-1

Petition for Action on Probation

COMES NOW Mindy L. Threlkeld, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, James E. Smith Jr., who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1, Driving While Impaired, Level - 2, was sentenced by the Honorable Robert T. Numbers, II, U.S. Magistrate Judge on August 5, 2015, to 12 months probation under the conditions adopted by the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: The defendant tested positive for cocaine on October 1, 2015. When confronted, the defendant admitted to the use of cocaine and was verbally reprimanded for this drug use. As a sanction, it is recommended that the defendant serve two days incarceration. Additionally, it is recommended that the drug aftercare condition be added to monitor for further drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert K. Britt

Robert K. Britt
Senior U.S. Probation Officer

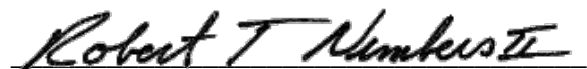
/s/ Mindy L. Threlkeld

Mindy L. Threlkeld
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: 910-354-2539
Executed On: November 2, 2015

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ORDER OF THE COURT

Considered and ordered on November 6, 2015 . It is further ordered that this document shall be filed and made a part of the records in the above case.

A handwritten signature in black ink, reading "Robert T. Numbers, II". The signature is written in a cursive style with a horizontal line underneath.

Robert T. Numbers, II
United States Magistrate Judge